

Bill No. SB 978

Barcode 264672

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Campbell) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 817.568, Florida Statutes, is amended to read:

817.568 Criminal use of personal identification information.--

(1) As used in this section, the term:

(a) "Access device" means any card, plate, code, account number, electronic serial number, mobile identification number, personal identification number, or other telecommunications service, equipment, or instrument identifier, or other means of account access that can be used, alone or in conjunction with another access device, to obtain money, goods, services, or any other thing of value, or that can be used to initiate a transfer of funds, other than a transfer originated solely by paper instrument.

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1 (b) "Authorization" means empowerment, permission, or  
2 competence to act.

3 (c) "Harass" means to engage in conduct directed at a  
4 specific person that is intended to cause substantial  
5 emotional distress to such person and serves no legitimate  
6 purpose. "Harass" does not mean to use personal identification  
7 information for accepted commercial purposes. The term does  
8 not include constitutionally protected conduct such as  
9 organized protests or the use of personal identification  
10 information for accepted commercial purposes.

11 (d) "Individual" means a single human being and does  
12 not mean a firm, association of individuals, corporation,  
13 partnership, joint venture, sole proprietorship, or any other  
14 entity.

15 (e) "Person" means a "person" as defined in s.  
16 1.01(3).

17 (f) "Personal identification information" means any  
18 name or number that may be used, alone or in conjunction with  
19 any other information, to identify a specific individual,  
20 including any:

- 21 1. Name, postal or electronic mail address, telephone
- 22 number, social security number, date of birth, mother's maiden
- 23 name, official state-issued or United States-issued driver's
- 24 license or identification number, alien registration number,
- 25 government passport number, employer or taxpayer
- 26 identification number, Medicaid or food stamp account number,
- 27 or bank account number, or credit or debit card number, or
- 28 personal identification number or code assigned to the holder
- 29 of a debit card by the issuer to permit authorized electronic
- 30 use of such card;

31 2. Unique biometric data, such as fingerprint, voice

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1 print, retina or iris image, or other unique physical  
2 representation;

3           3. Unique electronic identification number, address,  
4 or routing code; ~~or~~

5           4. Medical records;

6           ~~5.4.~~ Telecommunication identifying information or  
7 access device; ~~or~~

8           6. Other number or information that can be used to  
9 access a person's financial resources.

10           (g) "Counterfeit or fictitious personal identification  
11 information" means any counterfeit, fictitious, or fabricated  
12 information in the similitude of the data outlined in  
13 paragraph (f) that, although not truthful or accurate, would  
14 in context lead a reasonably prudent person to credit its  
15 truthfulness and accuracy.

16           (2)(a) Any person who willfully and without  
17 authorization fraudulently uses, or possesses with intent to  
18 fraudulently use, personal identification information  
19 concerning an individual without first obtaining that  
20 individual's consent, commits the offense of fraudulent use of  
21 personal identification information, which is a felony of the  
22 third degree, punishable as provided in s. 775.082, s.  
23 775.083, or s. 775.084.

24           (b) Any person who willfully and without authorization  
25 fraudulently uses personal identification information  
26 concerning an individual without first obtaining that  
27 individual's consent commits a felony of the second degree,  
28 punishable as provided in s. 775.082, s. 775.083, or s.  
29 775.084, if the pecuniary benefit, the value of the services  
30 received, the payment sought to be avoided, or the amount of  
31 the injury or fraud perpetrated is \$5,000 or more or if the

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1 person fraudulently uses the personal identification  
 2 information of 10 or more individuals, but fewer than 20  
 3 individuals, without their consent. Notwithstanding any other  
 4 provision of law, the court shall sentence any person  
 5 convicted of committing the offense described in this  
 6 paragraph to a mandatory minimum sentence of 3 years'  
 7 imprisonment.

8 (c) Any person who willfully and without authorization  
 9 fraudulently uses personal identification information  
 10 concerning an individual without first obtaining that  
 11 individual's consent commits a felony of the first degree,  
 12 punishable as provided in s. 775.082, s. 775.083, or s.  
 13 775.084, if the pecuniary benefit, the value of the services  
 14 received, the payment sought to be avoided, or the amount of  
 15 the injury or fraud perpetrated is \$50,000 or more or if the  
 16 person fraudulently uses the personal identification  
 17 information of 20 or more individuals, but fewer than 30  
 18 individuals, without their consent. Notwithstanding any other  
 19 provision of law, the court shall sentence any person  
 20 convicted of committing the offense described in this  
 21 paragraph+

22 ~~1.~~ to a mandatory minimum sentence of 5 years'  
 23 imprisonment. If the pecuniary benefit, the value of the  
 24 services received, the payment sought to be avoided, or the  
 25 amount of the injury or fraud perpetrated is \$100,000 or more,  
 26 or if the person fraudulently uses the personal identification  
 27 information of 30 or more individuals without their consent,  
 28 notwithstanding any other provision of law, the court shall  
 29 sentence any person convicted of committing the offense  
 30 described in this paragraph

31 ~~2.~~ to a mandatory minimum sentence of 10 years'

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1 ~~imprisonment, if the pecuniary benefit, the value of the~~  
 2 ~~services received, the payment sought to be avoided, or the~~  
 3 ~~amount of the injury or fraud perpetrated is \$100,000 or more~~  
 4 ~~or if the person fraudulently uses the personal identification~~  
 5 ~~information of 30 or more individuals without their consent.~~

6 (3) Neither paragraph (2)(b) nor paragraph (2)(c)  
 7 prevents a court from imposing a greater sentence of  
 8 incarceration as authorized by law. If the minimum mandatory  
 9 terms of imprisonment imposed under paragraph (2)(b) or  
 10 paragraph (2)(c) exceed the maximum sentences authorized under  
 11 s. 775.082, s. 775.084, or the Criminal Punishment Code under  
 12 chapter 921, the mandatory minimum sentence must be imposed.  
 13 If the mandatory minimum terms of imprisonment under paragraph  
 14 (2)(b) or paragraph (2)(c) are less than the sentence that  
 15 could be imposed under s. 775.082, s. 775.084, or the Criminal  
 16 Punishment Code under chapter 921, the sentence imposed by the  
 17 court must include the mandatory minimum term of imprisonment  
 18 as required by paragraph (2)(b) or paragraph (2)(c).

19 (4) Any person who willfully and without authorization  
 20 possesses, uses, or attempts to use personal identification  
 21 information concerning an individual without first obtaining  
 22 that individual's consent, and who does so for the purpose of  
 23 harassing that individual, commits the offense of harassment  
 24 by use of personal identification information, which is a  
 25 misdemeanor of the first degree, punishable as provided in s.  
 26 775.082 or s. 775.083.

27 (5) If an offense prohibited under this section was  
 28 facilitated or furthered by the use of a public record, as  
 29 defined in s. 119.011, the offense is reclassified to the next  
 30 higher degree as follows:

31 (a) A misdemeanor of the first degree is reclassified

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1 as a felony of the third degree.

2 (b) A felony of the third degree is reclassified as a  
3 felony of the second degree.

4 (c) A felony of the second degree is reclassified as a  
5 felony of the first degree.

6  
7 For purposes of sentencing under chapter 921 and incentive  
8 gain-time eligibility under chapter 944, a felony offense that  
9 is reclassified under this subsection is ranked one level  
10 above the ranking under s. 921.0022 of the felony offense  
11 committed, and a misdemeanor offense that is reclassified  
12 under this subsection is ranked in level 2 of the offense  
13 severity ranking chart in s. 921.0022.

14 (6) Any person who willfully and without authorization  
15 fraudulently uses personal identification information  
16 concerning an individual who is less than 18 years of age  
17 without first obtaining the consent of that individual or of  
18 his or her legal guardian commits a felony of the second  
19 degree, punishable as provided in s. 775.082, s. 775.083, or  
20 s. 775.084.

21 (7) Any person who is in the relationship of parent or  
22 legal guardian, or who otherwise exercises custodial authority  
23 over an individual who is less than 18 years of age, who  
24 willfully and fraudulently uses personal identification  
25 information of that individual commits a felony of the second  
26 degree, punishable as provided in s. 775.082, s. 775.083, or  
27 s. 775.084.

28 (8)(a) Any person who willfully and fraudulently uses,  
29 or possesses with intent to fraudulently use, personal  
30 identification information concerning a deceased individual  
31 commits the offense of fraudulent use or possession with

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1 intent to use personal identification information of a  
2 deceased individual, a felony of the third degree, punishable  
3 as provided in s. 775.082, s. 775.083, or s. 775.084.

4 (b) Any person who willfully and fraudulently uses  
5 personal identification information concerning a deceased  
6 individual commits a felony of the second degree, punishable  
7 as provided in s. 775.082, s. 775.083, or s. 775.084, if the  
8 pecuniary benefit, the value of the services received, the  
9 payment sought to be avoided, or the amount of injury or fraud  
10 perpetrated is \$5,000 or more, or if the person fraudulently  
11 uses the personal identification information of 10 or more but  
12 fewer than 20 deceased individuals. Notwithstanding any other  
13 provision of law, the court shall sentence any person  
14 convicted of committing the offense described in this  
15 paragraph to a mandatory minimum sentence of 3 years'  
16 imprisonment.

17 (c) Any person who willfully and fraudulently uses  
18 personal identification information concerning a deceased  
19 individual commits the offense of aggravated fraudulent use of  
20 the personal identification information of multiple deceased  
21 individuals, a felony of the first degree, punishable as  
22 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
23 pecuniary benefit, the value of the services received, the  
24 payment sought to be avoided, or the amount of injury or fraud  
25 perpetrated is \$50,000 or more, or if the person fraudulently  
26 uses the personal identification information of 20 or more but  
27 fewer than 30 deceased individuals. Notwithstanding any other  
28 provision of law, the court shall sentence any person  
29 convicted of the offense described in this paragraph to a  
30 minimum mandatory sentence of 5 years' imprisonment. If the  
31 pecuniary benefit, the value of the services received, the

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1 payment sought to be avoided, or the amount of the injury or  
2 fraud perpetrated is \$100,000 or more, or if the person  
3 fraudulently uses the personal identification information of  
4 30 or more deceased individuals, notwithstanding any other  
5 provision of law, the court shall sentence any person  
6 convicted of an offense described in this paragraph to a  
7 mandatory minimum sentence of 10 years' imprisonment.

8       (9) Any person who willfully and fraudulently creates  
9 or uses, or possesses with intent to fraudulently use,  
10 counterfeit or fictitious personal identification information  
11 concerning a fictitious individual, or concerning a real  
12 individual without first obtaining that real individual's  
13 consent, with intent to use such counterfeit or fictitious  
14 personal identification information for the purpose of  
15 committing or facilitating the commission of a fraud on  
16 another person, commits the offense of fraudulent creation or  
17 use, or possession with intent to fraudulently use,  
18 counterfeit or fictitious personal identification information,  
19 a felony of the third degree, punishable as provided in s.  
20 775.082, s. 775.083, or s. 775.084.

21       (10) Any person who commits an offense described in  
22 this section and for the purpose of obtaining or using  
23 personal identification information misrepresents himself or  
24 herself to be a law enforcement officer; an employee or  
25 representative of a bank, credit card company, credit  
26 counseling company, or credit reporting agency; or any person  
27 who wrongfully represents that he or she is seeking to assist  
28 the victim with a problem with the victim's credit history  
29 shall have the offense reclassified as follows:

30       (a) In the case of a misdemeanor, the offense is  
31 reclassified as a felony of the third degree.

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1       (b) In the case of a felony of the third degree, the  
2 offense is reclassified as a felony of the second degree.

3       (c) In the case of a felony of the second degree, the  
4 offense is reclassified as a felony of the first degree.

5       (d) In the case of a felony of the first degree or a  
6 felony of the first degree punishable by a term of  
7 imprisonment not exceeding life, the offense is reclassified  
8 as a life felony.

9  
10 For purposes of sentencing under chapter 921, a felony offense  
11 that is reclassified under this subsection is ranked one level  
12 above the ranking under s. 921.0022 or s. 921.0023 of the  
13 felony offense committed, and a misdemeanor offense that is  
14 reclassified under this subsection is ranked in level 2 of the  
15 offense severity ranking chart.

16       (11) The prosecutor may move the sentencing court to  
17 reduce or suspend the sentence of any person who is convicted  
18 of a violation of this section and who provides substantial  
19 assistance in the identification, arrest, or conviction of any  
20 of that person's accomplices, accessories, coconspirators, or  
21 principals or of any other person engaged in fraudulent  
22 possession or use of personal identification information. The  
23 arresting agency shall be given an opportunity to be heard in  
24 aggravation or mitigation in reference to any such motion.  
25 Upon good cause shown, the motion may be filed and heard in  
26 camera. The judge hearing the motion may reduce or suspend the  
27 sentence if the judge finds that the defendant rendered such  
28 substantial assistance.

29       (12)(8) This section does not prohibit any lawfully  
30 authorized investigative, protective, or intelligence activity  
31 of a law enforcement agency of this state or any of its

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1 political subdivisions, of any other state or its political  
2 subdivisions, or of the Federal Government or its political  
3 subdivisions.

4       ~~(13)(9)~~(a) In sentencing a defendant convicted of an  
5 offense under this section, the court may order that the  
6 defendant make restitution under ~~pursuant to~~ s. 775.089 to any  
7 victim of the offense. In addition to the victim's  
8 out-of-pocket costs, ~~such~~ restitution may include payment of  
9 any other costs, including attorney's fees incurred by the  
10 victim in clearing the victim's credit history or credit  
11 rating, or any costs incurred in connection with any civil or  
12 administrative proceeding to satisfy any debt, lien, or other  
13 obligation of the victim arising as the result of the actions  
14 of the defendant.

15       (b) The sentencing court may issue such orders as are  
16 necessary to correct any public record that contains false  
17 information given in violation of this section.

18       ~~(14)(10)~~ Prosecutions for violations of this section  
19 may be brought on behalf of the state by any state attorney or  
20 by the statewide prosecutor.

21       ~~(15)(11)~~ The Legislature finds that, in the absence of  
22 evidence to the contrary, the location where a victim gives or  
23 fails to give consent to the use of personal identification  
24 information is the county where the victim generally resides.

25       ~~(16)(12)~~ Notwithstanding any other provision of law,  
26 venue for the prosecution and trial of violations of this  
27 section may be commenced and maintained in any county in which  
28 an element of the offense occurred, including the county where  
29 the victim generally resides.

30       ~~(17)(13)~~ A prosecution of an offense prohibited under  
31 subsection (2), subsection (6), or subsection (7) must be

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1 commenced within 3 years after the offense occurred. However,  
2 a prosecution may be commenced within 1 year after discovery  
3 of the offense by an aggrieved party, or by a person who has a  
4 legal duty to represent the aggrieved party and who is not a  
5 party to the offense, if such prosecution is commenced within  
6 5 years after the violation occurred.

7 Section 2. Section 817.5681, Florida Statutes, is  
8 created to read:

9 817.5681 Breach of security concerning confidential  
10 personal information in third-party possession; administrative  
11 penalties.--

12 (1)(a) Any person who conducts business in this state  
13 and maintains computerized data in a system that includes  
14 personal information shall disclose any breach of the security  
15 of the system, following discovery or notification of the  
16 breach in the security of the data, to any resident of this  
17 state whose unencrypted personal information was, or is  
18 reasonably believed to have been, acquired by an unauthorized  
19 person. The disclosure shall be made most expeditiously and  
20 without unreasonable delay, consistent with the legitimate  
21 needs of law enforcement, as provided in subsection (3) and  
22 paragraph (9)(a), or any measures necessary to determine the  
23 scope of the breach and restore the reasonable integrity of  
24 the data system. Disclosure of the breach may only be delayed  
25 indefinitely following its discovery under subsection (3).  
26 Otherwise, disclosure must be made no later than 30 days  
27 following the discovery of the breach.

28 (b) Any person required to make disclosures under  
29 paragraph (a) who fails to do so within the time periods  
30 provided in this subsection is liable for an administrative  
31 fine in the amount of \$1,000 for each day the breach goes

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1 undisclosed for up to 30 days.

2 (c) Except as required for investigations under  
3 subsection (3), any person required to make disclosures under  
4 paragraph (a) who fails to do so is subject to an  
5 administrative fine of up to \$50,000 for each 30-day period or  
6 portion thereof up to 180 days unless acting under a court  
7 order. If such disclosure is not made within 180 days, any  
8 person required to make such disclosures under paragraph (a)  
9 who fails to do so is subject to an administrative fine of up  
10 to \$500,000.

11 (d) The disclosure required under this subsection must  
12 be made by each person in the state in possession of  
13 computerized data. However, the administrative sanctions for  
14 nondisclosure provided in this subsection shall not apply in  
15 the case of computerized information in the custody of any  
16 governmental agency or political subdivision, unless that  
17 governmental agency or political subdivision has entered into  
18 a contract with a contractor or third-party administrator to  
19 provide governmental services. In such case, the contractor or  
20 third-party administrator shall be a person to whom the  
21 administrative sanctions provided in this subsection apply,  
22 provided such contractor or third-party administrator found in  
23 violation of the nondisclosure restrictions in this section  
24 may not bring an action for contribution or set-off available  
25 against the employing agency or subdivision.

26 (2)(a) Any person who maintains computerized data that  
27 includes personal information on behalf of another business  
28 entity shall notify the business entity for which the  
29 information is maintained of any breach of the security of the  
30 data within 72 hours after the discovery of the breach, if the  
31 personal information was, or is reasonably believed to have

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1 been, acquired by an unauthorized person.

2 (b) Any person required to make disclosures under  
3 paragraph (a) who fails to do so within the time periods  
4 provided in this subsection is liable for an administrative  
5 fine in the amount of \$1,000 for each day the breach goes  
6 undisclosed for up to 30 days.

7 (c) Except as required for investigations under  
8 subsection (3), any person required to make disclosures under  
9 paragraph (a) who fails to do so is subject to an  
10 administrative fine of up to \$50,000 for each 30-day period or  
11 portion thereof up to 180 days unless acting under court  
12 order. If such disclosure is not made within 180 days, any  
13 person required to make disclosures under paragraph (a) who  
14 fails to do so is subject to an administrative fine of up to  
15 \$500,000.

16 (d) The disclosure required under this subsection must  
17 be made by each person in the state in possession of  
18 computerized data. However, the administrative sanctions for  
19 nondisclosure provided in this subsection shall not apply in  
20 the case of computerized information in the custody of any  
21 governmental agency or political subdivision unless that  
22 governmental agency or political subdivision has entered into  
23 a contract with a contractor or third-party administrator to  
24 provide governmental services. In such case, the contractor or  
25 third-party administrator shall be a person to whom the  
26 administrative sanctions provided in this subsection would  
27 apply, provided such contractor or third-party administrator  
28 found in violation of the nondisclosure restrictions in this  
29 subsection may not bring an action for contribution or set-off  
30 available against the employing agency or subdivision.

31 (3) The notification required by this section may be

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1 delayed if a law enforcement agency determines that the  
2 notification will impede a criminal investigation. The  
3 notification required by this section shall be made after the  
4 law enforcement agency determines that the notification will  
5 not compromise the investigation. The delay in notification  
6 allowed under this subsection shall not exceed 90 days unless  
7 ordered by a court of competent jurisdiction.

8 (4) For purposes of this section, the term "breach of  
9 the security of the system" means unauthorized acquisition of  
10 computerized data that materially compromises the security,  
11 confidentiality, or integrity of personal information  
12 maintained by the person. Good faith acquisition of personal  
13 information by an employee or agent of a person for the  
14 purposes of the person is not a breach of the security of the  
15 system, provided the information is not used for a purpose  
16 unrelated to the business or subject to further unauthorized  
17 disclosure.

18 (5) For purposes of this section, the term "personal  
19 information" means an individual's first name or first initial  
20 and last name in combination with any one or more of the  
21 following data elements, when the data elements are not  
22 encrypted:

23 (a) Social security number.

24 (b) Driver's license number or Florida identification  
25 card number.

26 (c) Account number or credit or debit card number, in  
27 combination with any required security code, access code, or  
28 password that would permit access to an individual's financial  
29 account.

30 (6) For purposes of this section, notice may be  
31 provided by one of the following methods:

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1           (a) Written notice;  
2           (b) Electronic notice, if the notice provided is  
3 consistent with the provisions regarding electronic records  
4 and signatures set forth in 15 U.S.C. s. 7001; or  
5           (c) Substitute notice, if the person demonstrates that  
6 the cost of providing notice would exceed \$250,000, the  
7 affected class of subject persons to be notified exceeds  
8 500,000, or the person does not have sufficient contact  
9 information. Substitute notice shall consist of all of the  
10 following:

11           1. Electronic mail notice when the person has an  
12 electronic mail address for the subject person.

13           2. Conspicuous posting of the notice on the person's  
14 website, if the person maintains a website.

15           3. Notification to major statewide media.

16           (7) For purposes of this section, the term  
17 "unauthorized person" means any person who is not the person  
18 to whom the personal information belongs and who does not have  
19 permission from or a password issued by the person who stores  
20 the computerized data to acquire such data.

21           (8) Notwithstanding subsection (6), a person who  
22 maintains his or her own notification procedures as part of an  
23 information security or privacy policy for the treatment of  
24 personal information and which procedures are otherwise  
25 consistent with the timing requirements of this part shall be  
26 deemed to be in compliance with the notification requirements  
27 of this section if the person notifies subject persons in  
28 accordance with its procedures in the event of a breach of  
29 security of the system.

30           (9)(a) Notwithstanding subsection (2), notification is  
31 not required if, after an appropriate investigation and after

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1 consultation with relevant federal, state, and local agencies  
2 responsible for law enforcement, the person reasonably  
3 determines that the breach has not and will not likely result  
4 in harm to the individuals whose personal information has been  
5 acquired and accessed. Such a determination must be documented  
6 in writing and the documentation must be maintained for 5  
7 years.

8 (b) Any person required to document a failure to  
9 notify affected persons who fails to document the failure as  
10 required in this subsection or who, if documentation was  
11 created, fails to maintain the documentation for the full 5  
12 years as required in this subsection is liable for an  
13 administrative fine in the amount of up to \$50,000 for such  
14 failure.

15 (c) The documentation and maintenance of documentation  
16 required under this subsection must be made by each person in  
17 the state in possession of computerized data. However, the  
18 administrative sanctions outlined in this subsection shall not  
19 apply in the case of computerized information in the custody  
20 of any governmental agency or political subdivision, unless  
21 that governmental agency or political subdivision has entered  
22 into a contract with a contractor or third-party administrator  
23 to provide governmental services. In such case, the contractor  
24 or third-party administrator shall be a person to whom the  
25 administrative sanctions outlined in this subsection apply,  
26 provided such contractor or third-party administrator found in  
27 violation of the documentation and maintenance of  
28 documentation requirements in this subsection may not bring an  
29 action for contribution or set-off available against the  
30 employing agency or subdivision.

31 (10) The Department of Legal Affairs may institute

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1 proceedings to assess and collect the fines provided in this  
2 section.

3 Section 3. This act shall take effect July 1, 2005.

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5

6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11 A bill to be entitled

12 An act relating to unlawful use of personal  
13 identification information; amending s.  
14 817.568, F.S.; including other information  
15 within the definition of the term "personal  
16 identification information"; defining the term  
17 "counterfeit or fictitious personal  
18 identification information"; revising criminal  
19 penalties relating to the offense of  
20 fraudulently using, or possessing with intent  
21 to fraudulently use, personal identification  
22 information; providing minimum mandatory terms  
23 of imprisonment; creating the offenses of  
24 willfully and fraudulently using, or possessing  
25 with intent to fraudulently use, personal  
26 identification information concerning a  
27 deceased individual; providing criminal  
28 penalties; providing for minimum mandatory  
29 terms of imprisonment; creating the offense of  
30 willfully and fraudulently creating or using,  
31 or possessing with intent to fraudulently use,

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1 counterfeit or fictitious personal  
2 identification information; providing criminal  
3 penalties; providing for reclassification of  
4 offenses under certain circumstances; providing  
5 for reduction or suspension of sentences under  
6 certain circumstances; creating s. 817.5681,  
7 F.S.; requiring business persons maintaining  
8 computerized data that includes personal  
9 information to disclose breaches of system  
10 security under certain circumstances; providing  
11 requirements; providing for administrative  
12 fines; providing exceptions and limitations;  
13 authorizing delays of such disclosures under  
14 certain circumstances; providing definitions;  
15 providing for alternative notice methods;  
16 specifying conditions of compliance for persons  
17 maintaining certain alternative notification  
18 procedures; specifying conditions under which  
19 notification is not required; providing  
20 requirements for documentation and maintenance  
21 of documentation; providing an administrative  
22 fine for failing to document certain failures  
23 to comply; providing for application of  
24 administrative sanctions to certain persons  
25 under certain circumstances; authorizing the  
26 Department of Legal Affairs to institute  
27 proceedings to assess and collect fines;  
28 providing an effective date.

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